IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 17843 of 2005

Between:

Pothamsetti Bhaskara Reddy S/o. Venkata Reddy
Penumantra Mandal, West Godavari District,

..... PETITIONER

AND

1 Revenue Divisional Officer, Eluru Revenue Division, Eluru,
West Godavari District,
2 The Mandal Revenue Officer, Penumantra Mandal,
West Godavari District,

.....RESPONDENTS

ORDER:

This writ petition is filed seeking writ of mandamus declaring the action of the respondents in taking steps to dispossess the petitioner from the lands in an extent of Ac.0.31 cents in R.S.N.34/1B of Nattarameswaram Village, Penumantra Mandal, West Godavari District without passing orders in the stay petition in the appeal filed before the first respondent against the orders of the second respondent dated 24.05.2005 for resumption of the land mentioned in the order as illegal and arbitrary and to set aside the orders of the second respondent directing not to dispossess the petitioner.

The case of the petitioner is that he is in possession and enjoyment of the of the dry land an extent of Ac.0.31 cents in R.S.No.34/1B1 of Nattarameswaram village, Penumantra Mandal, West Godavari district having obtained the same from Chavvakula china Venkanna and others by way of a registered sale deed dated 29.07.1985 and ever since he has been continuous peaceful possession and enjoyment of the same. The respondent issued orders on 1.6.2005 for resumption of

land by invoking the provisions of Act 7 of 1977 even without properly considering the explanation of the petitioner. The second respondent without waiting for the appeal time insisting the petitioner not to do agricultural operations. Thereupon, the petitioner made a representation on 18.072005 to revise the order of the second respondent. On rejection of the representation of the petitioner, he filed appeal before the first respondent, which was pending disposal. While so, on 06.08.2005 the second respondent visited the petitioner's property and insisted him to stop the agricultural operation, even without waiting the result of the appeal. Hence, the writ petition.

Heard the learned counsel on either side.

As seen from the record, it is evident that the petitioner is in peaceful possession and enjoyment of the said land having purchased the same from his vendor in the year 1985. It is clear that the respondents passed the orders of resumption of land by invoking the provisions of Act 7 of 1977. It is also clear that the petitioner preferred an appeal before the first respondent on 18.7.2005 placing all the material.

In the above circumstances, I deem it appropriate to direct the respondent No.1 to dispose of the appeal filed by the petitioner, dated 18.07.2005 within a period of 12 weeks from the date of receipt of a copy of this order. Till such time respondents are further directed not to interfere with the possession and enjoyment of the petitioners schedule land without following the due process of law.

With the above observation the writ petition is disposed of at the stage of admission. No costs.

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12-08-2005

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